

In re Application of:
Albani
Application No.: 10/614639
Filed: July 7, 2003
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PATENT
Attorney Docket No.: AND-1001-DIV2

2. The Examiner has noted that the application as filed failed to include a Petition for Color drawings as set forth in 37 CFR 1.84 (a) (2) with the requisite petition fee. The Examiner has requested that Applicant satisfy this requirement before the black and white and color photographs will be entered. Included in this transmission is a Petition for Color drawings with the requisite fee. Applicant respectfully notes that the colored photographs (in triplicate) were filed on July 6, 2004 along with the amendment to request insertion of language respecting color drawings into the specification. Applicant respectfully requests that the Examiner to attach these photos to the Petition for review and upon allowance of the Petition have those photographs entered officially into the record.
3. The Examiner has rejected claim 12 under 35 U.S.C. 112, first paragraph for failing to contain a written description of the claimed invention. The Examiner has also rejected the claim under the judicially created doctrine of obviousness-type double patenting for allegedly not being patentably distinct from two different references. Given the cancellation of claim 12, the Examiner's rejections should be rendered moot. However to respond to the Examiner's rejections, Applicant understands that the Examiner has interpreted the use in claim 12 of the word "device" as being so broad as to read on subject matter as claimed in corresponding patent applications. Applicant has added claim 13 in order to use language employed earlier in the prosecution history to describe the intention of Applicant in laying claim to a column device for isolating and separating antigen-specific T cells using various components including artificial APC, solid supports and other molecules for binding and manipulating T cells. Support for the new claim 13 can be found in Figure 8 and its legend and on pages 64-66 of the originally filed specification. Claim 13 should render both the 35 U.S.C. 112 and the double patenting rejections moot. Thus, in light of the amendments, Applicant submits that the application is now in condition for allowance.

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4. In Conclusion Applicant respectfully request that the claim as now amended be allowed as it is fully supported by the specification. Enclosed is a check in the amount of \$100.00 for the color drawing Petition.

Respectfully submitted,

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